

Appl. No. 10/688,390  
Amdt. dated March 28, 2005  
Reply to Office Action of December 14, 2004

Docket No. 70288-020800

### **RESPONSE TO EXAMINER'S REJECTIONS/REMARKS**

Responsive to the Office Action mailed December 14, 2004, Applicant thanks the Examiner for his guidance. Further, Applicant thanks the Examiner for the very helpful and insightful interview with Applicant's representative on March 15, 2005. All of Examiner's comments are very much appreciated. In the present response, the Applicant has amended Claims 1, 3, 4, 6, 8, 10, 12, and withdrew Claims 15 and 16. No new subject matter has been added to these claims.

#### **Claim Objections**

Examiner has objected to Claims 1, 2, 5, 6, 10-14, and 16 due to various informalities. Accordingly, Applicant has corrected these claims and overcome these objections.

#### **Claim Rejections - 35 USC §112**

Examiner has rejected Claims 18 and 16 under 35 U.S.C. §112 as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Accordingly, Applicant has corrected these claims. In light of these amendments, Applicant has satisfied the requirements of 35 U.S.C. §112. Thus, the Examiner is respectfully requested to withdraw these rejections with respect to Claims 8 and 16.

#### **Claim Rejections - 35 USC §102**

Examiner has rejected Claims 1-16 under 35 U.S.C. 102(b) as being anticipated by Slocum, et al. Examiner asserts that Slocum, et al. disclose a snap together modular storage system comprising all the elements recited in the above listed claims and that Slocum, et al. show a catch with "deformable" slot walls being substantially rigid and having adequate memory and elasticity to deform and snap.

However, as discussed in the interview on March 15, 2005, Slocum, et al. do not disclose a catch with deformable slot walls being substantially rigid and having adequate memory and

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elasticity to deform and snap. Instead, Slocum, et al. disclose connectors, which are so rigid or inflexible, that they cannot be snapped into place and can only be slid into place.

For example, Slocum, et al. state, “**rigid joints** are formed as shown in detail in Fig. 5.” Column 6, lines 25-26. Rigid by definition means inflexible, not deformable. Slocum also states that the joints are so rigid and inflexible that they cannot be pried apart. “In an assembly, an element similar to 500 has its male barbs slide into the cavities and snugly fit. When loads are applied to the joint, the tendency would be for the joint to try and pry itself apart; but the barbs catch on the internal barbed features and they will lock up.” Column 17, lines 59-Column 18, line 4. This shows that the connectors cannot be pried apart in order to release because they “will lock up.” Thus, the Slocum connectors are not flexible enough / are so rigid that they cannot snap in and out. See also, “Element 553 also has a male barbed end 553a that mates with receptor 552b on the end of element 552. The result is a very rigid self-locking joint that approaches the strength of a solid molded joint.” Column 18, lines 10 -15. Because the Slocum connectors are not flexible, they must be slid into each other and cannot be snapped in connector. For example, Slocum states: “the male and female features allow the ends of the plates to slide into each other like dovetail to form a cube.” Column 6, lines 26-28.

Finally, *Slocum, et al. explicitly teach away* from connecting through snapping or pressing. Slocum, et al. state:

“The fundamental use of interlocking elements with mirror image ends to form joints resistant to loads that would otherwise pull the joints apart or shear them into rhombuses can be evolved to include a class of extruded shapes that are slid together along an axis parallel to the joint instead of being pressed together in a direction normal to the joints, which, indeed, makes the joints susceptible to being pried apart and hence may require bracing. Embodiments of this concept are shown in FIGS. 17 through 68. The uniqueness of this idea is that one basic type of extruded element forms the walls and the joints of the cubes, so a minimum number of pieces is required, as opposed to previous attempts in the prior art to form series of dovetails that are then locked together with separate mating keys, as before described.” Column 16, lines 35-44.

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This excerpt clearly shows that Slocum's connectors require sliding and CANNOT be used through a pressing or snapping mechanism. In conclusion, the excerpts above prove that Slocum discloses a rigid connector with no flexibility. Because the Slocum connectors are so rigid, they must be slid in order to connect. In other words, Slocum's connectors can never snap together. This is completely apposite from the connectors disclosed by the present application wherein the connectors have deformable slot walls with enough memory, elasticity to snap in and snap out.

Therefore, Slocum, et al. fail to disclose or teach of a catch with a deformable slot wall being substantially rigid and having adequate memory and elasticity to deform and snap back. This element is present in independent Claims 1, 3, 10, and 12. The Federal Circuit states that "all elements of the claimed invention must be disclosed in a single reference for anticipation to exist." Atlas Powder Co. v. E. I. DuPont de Nemours & Co., 750 F.2d 1569, 224 U.S.P.Q. 409 (Fed. Cir. 1984).

Thus, because the Slocum, et al. reference fails to disclose all of the elements of independent Claims 1, 3, 10, and 12, Slocum, et al. also fail to disclose the elements of their corresponding dependent claims. Therefore, there is no anticipation of Claims 2, 4-9, 11, and 13-16 by Slocum, et al. In light of these amendments and arguments, Applicant has overcome the Examiner's 35 U.S.C. §102(b) rejections. Thus, the Examiner is respectfully requested to withdraw these rejections with respect to Claims 1-16.

#### Remarks

Applicant has complied with all requirements made in the above-referenced communication. In view of the foregoing, it is respectfully submitted that the pending Claims in the application are in condition for allowance. Allowance of the pending claims at an early date is courteously solicited.

If, for any reason, the Examiner finds the application other than in condition for allowance, the Examiner is respectfully requested to call Applicant's undersigned representatives, attention Eglia Nair Flores at (310) 586-6511 to discuss the steps necessary for placing the application in condition for allowance.

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This response is being timely filed and no fee is believed due. However, if Applicant is mistaken, the Commissioner is hereby authorized to charge any required fee in connection with the submission of this paper, now or in the future, or credit any overpayment to Account No. 50-2638. Please ensure that the Attorney Docket Number is referred to when charging any payments or credits for this case.

Respectfully submitted,

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